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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS HARVEY,

No. C 09-5242 MHP

Plaintiff(s),

**ORDER**  
**(Ninety-Day Conditional Dismissal)**

v.

APPLE INC et al,

Defendant(s).

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this action.

IT IS HEREBY ORDERED that this action is dismissed with prejudice; provided, however, that if any party hereto shall certify to this Court, with a proof of service of a copy on opposing counsel, within 90 days from the date hereof, that the agreed consideration for the settlement has not been delivered over, this Order shall stand vacated, and the action shall be restored to the calendar to be set for trial.

Dated: May 28, 2010

  
MARILYN HALL PATEL  
United States District Court Judge